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[McCleary Record on Appeal] 07-2-02323-2-187 Part 5

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1 A. That's correct, yeah.

2 Q. And again, this is all the curriculum folks'
3 presentation?

4 A. Right, and the data department that -- that's a
5 function of the curriculum department --

6 Q. Okay.

7 A. -- gathers the data and puts it so we can see
8 how kids are doing.

9 Q. Within the PowerPoint presentation, and again,
10 I'm sorry, I don't have a page number for it, but there's a
11 slide called "Math Testing Waiver Requirements," and if I
12 ballparked it, I'd say it's eight or nine, maybe ten pages
13 from the back.

14 A. Oh, from the back.

15 Q. And I'll wait for you to --

16 A. Okay. Okay, that's not it.

17 What's the title?

18 Q. "Math Testing Waiver Requirements."

19 A. Okay. Oh, there we are.

20 Q. There you are.

21 Do you understand that what this slide -- the
22 information this slide is intending to convey?

23 A. I believe I do.

24 Q. Okay, and what is that?

25 A. That if the students score above a certain level;

(1) or have taken certain classes and score a certain amount on
(2) an advanced placement class, they get a waiver.)

(3) Q. Okay. And it looks like the waiver requirements
(4) vary a bit from state school to state school?)

(5) A. That's correct.)

(6) Q. These are the two famous or infamous, I guess,
(7) depending upon your point of view, four-year colleges,
(8) U-Dub and Washington State, as well as the four-year
(9) institutions that are more regional?)

(10) A. Yeah, the state regional institutions.)

(11) Q. Okay. And if I understand this correctly then,
(12) if a student comes into these college environments and
(13) presents with SAT performance, AP calculus --)

(14) A. With a 3 or higher.)

(15) Q. -- with a 3 or higher, then they don't even have
(16) to take that --)

(17) A. Entrance test or whatever.)

(18) Q. That determines whether they need remediation or
(19) not?)

(20) A. That's correct.)

21 Q. If you could turn -- I'll count these -- say
22 about a half dozen pages further, there are totals 2003 to
23 '05 with regard to remedial English and remedial math,
24 district versus statewide?

25 A. Okay. Yeah. 2003-05?

1 want to focus on the -- actually the two that are next to
2 the last.

3 A. Okay.

4 Q. The last page is a question that kind of speaks
5 for itself.

6 A. Okay.

7 Q. "What have we learned from this data analysis?"
8 Who compiled the data that's reflected in these two?

9 A. Dr. Brogan and the curriculum department.

10 Q. Did you do any kind of investigating or checking
11 on any of these?

12 A. I did not.

13 Q. But you believe that they are true and correct?

14 A. Yes.

15 Q. Okay.

16 MR. EMCH: Do you have a lot more, Bill?

17 MR. CLARK: I don't have a lot more, but I do
18 have some other documents, so if you want to take a break
19 at this point, you know, walk around.

20 (Recess from 2:26 p.m. to 2:36 p.m.)

21 Q. Let's resume.

22 I wanted to place before you a document that was
23 marked as Exhibit-114 in a prior deposition. It's entitled
24 the "Final Report of the Joint Task Force on Basic
25 Education Finance," I think.

1 A. (Yeah, January 2009.)

2 Q. Right. Have you reviewed this document before?

3 A. I've seen the document. I have not reviewed it.

4 Q. Okay. Whether you've read the document or not,
5 are you familiar with the recommendations made by the task
6 force with regard to basic ed finance?

7 A. Not specifically.

8 Q. Have you been able to give any thought to what,
9 if any, effects adopting their recommendations would have
10 with regard to your district?

11 A. I'm assuming there would be more resources that
12 would come the district's way.

13 Q. Okay. But other than that, we haven't reached
14 that stage in your thought process?

15 A. No.

16 Q. We're going to see what happens to you?

17 A. Yeah.

18 Q. Okay.

19 A. I could tell you why I take that, but it's
20 speculation on my part, and that would be the reason why I
21 didn't read it.

22 Q. The reason why you didn't read it?

23 A. Yeah.

24 Q. Why is that?

25 A. Because it will probably never come to fruition.)

1 Q. Why do you say that?

2 A. I don't -- you know, I don't believe the
3 taxpayers or the legislators have the courage or the will
4 to put something like that in place.

5 Q. You say the tax -- you mean the people in the
6 state of Washington?

7 A. Yes -- well, via the legislators.)

8 Q. Okay. You don't think that the legislators have
9 the willpower to enact something as sweeping as the task
10 force report envisions?

11 A. That's the first step, and the second step is
12 the taxpayers in the state of Washington step up and fund
13 it in the form of taxes.)

14 Q. Okay. And I take it your gloomy assessment
15 pertains to both those steps, both the legislative will and
16 the taxpayers' willingness to put up the money?)

17 A. Yes. I would like to be surprised.)

18 Q. Okay. If I asked this question before, I
19 apologize, but I certainly, if I didn't hear an answer to a
20 question, I got the impression, at least from Monday's
21 testimony, that you believe that state funding to your
22 district is inadequate?

23 A. Yes.)

24 Q. And you believe that the state funding levels
25 are such that you are required, the district is required to

(1) use local levy resources to backfill basic education
(2) services?

(3) A. Yes.

(4) Q. Okay. Are there any basic education needs in
(5) your school district that are not taken care of today
(6) through the use of funding from all sources, state,
(7) federal, and local?

(8) A. Yes.

(9) Q. There are?

(10) A. Yes.

(11) Q. What are they?

(12) A. Any types of continuing providing programs for
(13) the really gifted kids to providing programs to the
(14) remedial kids. We can always use more in all areas.

(15) Q. You can always use more resources?

(16) A. That's correct.

(17) Q. Okay. So, if the state were to provide funding
(18) to school districts, such as Issaquah, that diminished the
(19) current need to go to local levy funding to augment what
(20) are contended to be the state's obligation, if the state
(21) were to step up and provide those resources, would the need
(22) for local levy money in your district diminish?

(23) A. If the state stood up to its obligation and
(24) funded education like it should, we probably wouldn't need
(25) to go to the taxpayers to fill in.

1 Q. Okay. Would you need to go to the taxpayers in
2 any event for other reasons?

3 MR. EMCH: Objection, calls for speculation.

4 A. Yeah.

5 Q. If you don't know, I mean --

6 A. Yeah, it's -- the school district could go to
7 taxpayers, but it wouldn't -- it wouldn't necessarily be
8 for academic reasons.

9 Q. Okay.

10 A. It would be for facilities.

11 Q. Would it be to the extent in terms of revenue
12 needed that the district currently looks to local levies?

13 A. If the state provided what it's supposed to
14 provide, we wouldn't have to.

15 Q. Okay.

16 (Exhibit-200 marked.)

(17) Q. I've placed before you what's been marked as
(18) Exhibit-200, Dr. Rasmussen. Do you recognize this
(19) document?

(20) A. I do. It is the Negotiated Agreement dated 2007
(21) to 2010 between Issaquah Education Association and the
(22) Issaquah School District.)

(23) Q. What is the Issaquah Education Association?

(24) A. It is the union that represents all of the
(25) certificated teachers of the district.)

(1) Q. Okay. Does it -- so, the certificated teachers
(2) that the union represents are the employees that are
(3) covered by this negotiated agreement?

(4) A. Yes.

(5) Q. And does it apply to any other certificated
(6) employees?

(7) A. It does not.

8 Q. Okay. On page 103, towards the end of the
9 document, there's a signature page.

10 A. Okay.

11 Q. And I would like you to verify that you are one
12 of the signators on behalf of the Issaquah School District
13 to this document.

14 A. What page is that?

15 Q. 103.

16 MR. BJORKMAN: 103?

17 Q. No, the Bates stamp would say 374.

18 A. Oh, I'm sorry, I'm sorry, I was looking at the
19 big one.

20 Q. It's 374 for the Bates stamp.

21 A. Yes.

22 Q. And you are the Dr. Steve Rasmussen?

23 A. I am.

24 Q. Okay. And I believe on Monday I asked you who
25 has the lead role or primary role in negotiating these; did

1 you refer to Kathy Miyauchi?

2 A. Yeah, Kathy Miyauchi and Milton Ellis.

3 Q. And Milton Ellis?

4 A. Yes.

5 Q. Okay. I would like you to turn to page Bates
6 stamp 311 of the exhibit entitled "Article 5 Compensation,
7 Insurance and Co-Curricular."

8 A. Yes.

9 Q. Are you familiar with the compensation article
10 of this agreement?

11 A. Vaguely.

12 Q. Vaguely, okay.

13 For example, on page 311, "Section 5.1 Salary,"
14 it says, "The base salary for 2007-2008, which assumes a
15 full-time, 182-day work year, shall be \$32,824." Is that
16 base -- the base salary for a starting teacher?

17 A. That is correct.

18 Q. Okay. Section 5.1.1 indicates that the
19 agreement is intended to be in compliance with limitations
20 imposed by law. Is that your understanding of this
21 agreement, too, Doctor?

22 A. Yes.

23 Q. Okay. Are you aware of what the salary
24 limitations imposed by state law are that are referred to
25 in paragraph 5.1.1?

(1) A. My assumptions, again, it's that we have to
(2) follow the salary schedule that is put forth by the state.)

(3) Q. All right. Do you know if there are statutes,
(4) state statutes that address TRI pay?)

(5) A. I don't know if there are or there are not, but
(6) we do pay TRI.)

7 Q. Okay. But you could not tell me if, for
8 example, a state statute relative to TRI pay was one of the
9 salary limitations imposed by state law as referred to --

10 A. I couldn't tell you that.

11 Q. All right. In section 5.1.2, where it talks
12 about the calculated derived base as determined by OSPI, do
13 you understand what that is a reference to?

14 A. Yes, I do.

15 Q. And what is that?

16 A. Well, there's a formula that the district must
17 follow in developing and calculating the derived base for
18 the district. We follow whatever the state law says we
19 have to follow.

20 Q. Okay. 5.1.2 talks about that derived base
21 determined by OSPI. And salary compliance or later a
22 compliance standard. Do you understand what the reference
23 to the compliance standard is?

24 A. Whatever it is, we have to comply to it, and our
25 folks that work in the personnel would be the ones that --

1 and our budget -- or our business department would be the
2 ones that would -- could tell you a lot more accurately
3 than I could.

4 Q. Okay. Do you know if the compliance standard
5 that's referred to is something that is established by the
6 Collective Bargaining Agreement?

7 A. I don't know.

8 Q. Okay. Do you know if it is something that's
9 established by state law?

10 A. I believe it is, but I couldn't say for sure.

11 Q. In section 5.1.3, paragraph 1 states that "All
12 monies that flow through from the state for teacher
13 salaries will be distributed on the teachers' salary
14 schedule." What is the teachers' salary schedule that is
15 referred to there?

16 A. It's a document that's put out by the state each
17 year, and it's one that we follow based on and agreed to
18 through the negotiated process.

19 Q. Okay. Could you turn to page 387, Bates stamp
20 387 of Exhibit-200, which is "Addendum C, Issaquah School
21 District 2007-08 Certificated Salary Schedule." Is this
22 addendum and salary schedule something that is derived
23 based on what the state requires?

24 A. I'm sure it is.

25 Q. Okay. And what is this schedule intended to

1 apply to?)

2 A. It's information that both the business
3 department, the HR department, or personnel department uses
4 to establish contracts --

5 Q. Okay. And --

6 A. -- base contracts.

7 Q. And is it pertinent to the teacher component of
8 your staff based upon their years of experience with the
9 district, among other things?

10 A. Yes.

11 Q. Okay. Based upon, you know, their degree,
12 whether it's bachelor's or master's degree status as well?

13 A. That is correct.

14 Q. Okay. 5.1.3.2 on page Bates stamp 312 of this
15 exhibit addresses per diem days, and do I understand that
16 per diem days that are referred to here are -- are days for
17 which the teachers are compensated that is over and above
18 what they get in their base pay?

19 A. That's correct.

20 Q. Okay. Do all teachers in your district get per
21 diem days as referred to in this section?

22 A. When they're under contract, yes.

23 Q. They do?

24 A. I believe so.

25 Q. The next section relates to "Additional

1 Responsibility Compensation."

2 A. Uh-huh.

3 Q. And there are a number of paragraphs that apply
4 to that.

5 A. Yes.

6 Q. I take it additional responsibility
7 compensation, as described in this section of the
8 Collective Bargaining Agreement, is also compensation to
9 teachers that is over and above their base salary?

10 A. Yes.

11 Q. Okay. Is ARC or additional --

12 A. ARC is what we refer to it.

13 Q. Okay, is ARC a compensation component that is
14 provided to all teachers in the district?

15 A. Yes.

16 Q. Okay. Under the terms that are stated here?

17 A. Yes.

18 Q. Okay. On the following page, page 313 of
19 Exhibit-200, item D delineates activities and
20 responsibilities for which ARC pay is provided, is that
21 correct?

22 A. That is correct.

23 Q. Is ARC pay TRI pay?

24 A. Yes.

25 Q. Does your district use the term "Supplemental

(1) Contract"?)

(2) A. Yes.

(3) Q. Is supplemental contract interchangeable with

(4) TRI?

(5) A. I believe it is.

(6) Q. Okay. Section 5.1.3.4 describes something

(7) called "Professional Growth and Incentive Fund (PGIF)," and

(8) it says that every IEA members, so it applies to each

(9) teacher in your district, correct?

(10) A. Right.

(11) Q. Please verbalize.

(12) A. Right, right, yes.

(13) Q. Okay. Is the PGIF component that's described

(14) here compensation that is paid above the base salary?

(15) A. Yes.

(16) Q. Okay. The funding for the professional growth

(17) and incentive fund and ARC pay, does that come from the

(18) local levy funding?

(19) A. Yes.

(20) Q. Is any part of the compensation paid for

(21) components of teacher compensation above the base salary

(22) paid for with state funds?

(23) A. Yes, it is.

(24) Q. It is?

(25) A. I mean, the state does pay for part of that.)

1 Q. Okay. In its salary allocations?

2 A. Yeah, well, see, the state will pay for
3 additional days.)

4 Q. Learning improvement days?

5 A. Yes.)

6 Q. And those are in 5.1.3.1?

7 A. I believe so.)

8 Q. Is any state money provided for per diem days?

9 A. I don't believe so.)

10 Q. Does the district use any state money to provide
11 per diem days?)

12 A. I don't believe so.)

13 Q. Okay. For ARC pay, is that funded entirely out
14 of local funds?)

15 A. Yes.)

16 Q. No state money is used for that?

17 A. I do not believe so.)

18 Q. Do you regard ARC pay as compensation for
19 teachers providing basic education services?)

20 A. Yes.)

21 Q. How about the per diem days, do you regard those
22 as areas of compensation that are provided for performing
23 basic education services?)

24 A. Yes.)

25 Q. How about the professional growth and incentive

(1) fund, the stipends that are --

(2) A. Yes, it is.

(3) Q. That's entirely out of local funds?

(4) A. Yes.

(5) Q. Okay. No state funds are used?

(6) A. Not to my knowledge.

(7) Q. Okay. And do you regard the services that are
(8) provided in return for that compensation to be basic
(9) education services?

(10) A. Yes.

(11) Q. On page 314 of Exhibit-200, there are other
(12) components of teacher compensation in the form of
(13) professional development pay, two types of stipends, and an
(14) MA plus 90 bonus component; are those all items of
(15) component that are paid to those who qualify for them, are
(16) those components that are paid for above and beyond what
(17) the state provides for base salary?

(18) A. Yes.

(19) Q. Are they paid entirely with local funds?

(20) A. Yes.

(21) Q. There are no state funds used to pay them?

(22) A. Not to my knowledge.

(23) Q. Okay. Do you regard the services that are
(24) provided in return for these stipends, professional
(25) development pay, and the bonus, to be basic education

1) services?)

2) A. Yes.

3) Q. Okay. On page 359 of Exhibit-200, again, the
4) Bates stamp number 359, section 11.7.3, "Employee
5) Contracts," do you see where I'm referring to?)

6) A. Yes, uh-huh.)

7) Q. This has in its first sentence a reference to
8) employee contracts, and that they shall be subject to and
9) consistent with Washington state law and the terms and
10) conditions of the agreement. From this reference, I take
11) it that to get each -- each teacher gets a contract?)

12) A. That is correct.)

13) Q. And in one contract it will delineate that
14) teacher's compensation as to base pay and all the other
15) components we've been talking about?)

16) A. Yes, it does.)

17) Q. Okay. On page 388 of Exhibit-200, Addendum D,
18) it's entitled "2007-08 Co-Curricular Activities Salary
19) Schedule" --)

20) A. Yes.)

21) Q. -- do you see that?)

22) A. Uh-huh.)

23) Q. And the printing is challenging from a
24) legibility standpoint, but if I get this correct, it looks
25) like it has categories that are co-curricular activities)

(1) for which additional compensation is paid?

(2) (A.) That is correct.

(3) (Q.) Okay. And there are activities like freshman
(4) campus, that's yearbook, for example, under column H in the
(5) high school area. Under column H in middle school is
(6) orchestra, chorus, band?

(7) (A.) Uh-huh.

(8) (Q.) And at the bottom of these columns, I take it
(9) that's pretty much like a flat stipend or rate --

(10) (A.) Flat stipend, yes.

(11) (Q.) -- that is given for performing any of these
(12) co-curricular activities --

(13) (A.) Yes.

(14) (Q.) -- in addition to whatever base pay or other pay
(15) the teacher might be entitled to?

(16) (A.) Teacher receives, yes.

(17) (Q.) I didn't see, for example, like football coach
(18) on here, and I'm curious as to --

(19) (A.) We don't pay our football coaches. No, I'm
(20) being facetious. I believe they have another schedule.

(21) (Q.) Okay. Is that because that would be considered
(22) an extracurricular activity as opposed to a co-curricular
(23) one?

(24) (A.) I believe so. I don't know exactly for sure.

(25) (Q.) These are a few documents we talked about before

1 that I had flagged some potential questions, but we may
2 have already gotten there, so let me check.)

3 (Exhibit-201 marked.)

4 Q. (Have you seen Exhibit-201 before?)

5 A. Yes, I have.)

6 Q. On page 2 of Exhibit-201, you're listed as one
7 of the King County superintendents?)

8 A. That is correct.)

9 Q. There's no signature for you or an indication
10 that this was prepared on behalf of or for any particular
11 district, but were you aware that this open letter was, in
12 fact, going to go out with you listed as a proponent?)

13 A. Yes.)

14 Q. Okay. Were you able to review the form of the
15 letter before it went out?)

16 A. Yes.)

17 Q. And did, in fact, this open letter document go
18 out to the legislature as far as you know?)

19 A. Yes, it did.)

20 Q. Do you know who prepared this letter?)

21 A. A group of superintendents from King, Pierce,
22 Bainbridge, and the ESD.)

23 Q. Okay. Did you have any involvement in preparing
24 it?)

25 A. I did not.)

1 Q. On page 1, on the fifth paragraph down, "We"
2 commend the work of the Basic Education Finance Task
3 Force." Do you see where I'm referring to?

4 A. (Nods head.)

5 Q. Are you part of the "we" that's committing as in
6 this -- or commending, rather, as in this sentence?

7 A. That is we, yes.

8 Q. And it says, "We pledge to work with the
9 legislature to create necessary refinements to the bills
10 and assure their passage." Is that a true statement?

11 A. That is true.

12 Q. Are you continuing to exercise any efforts to
13 assure passage of the bills that are referred to here?

14 A. Yes.

15 Q. What are those efforts?

16 A. Efforts, contacting our legislators, continuing
17 to work with them, provide information if they need
18 information about school funding, answer questions, give
19 testimony.

20 Q. These are bills that, at least according to this
21 document, begin to actualize the recommendations put forth
22 in Exhibit-114, the task force report, correct?

23 A. Uh-huh.

24 Q. All right. Do you know if there has been a
25 similar statement of support issuing from say the Issaquah

1 Education Association for these bills?

2 A. There has not been.

3 Q. Do you know what, if any, position the local
4 education association has with regard to the passage of
5 these bills?

6 A. What I do know is that they're part -- the
7 education association is part of another group that also
8 includes my professional organization, the basic -- I
9 couldn't tell you their exact name, that was supporting
10 funding of a different type.

11 Q. Is this the Full Funding Coalition proposal?

12 A. Full Funding Coalition.

13 Q. Does your district also support enactment of
14 that proposal?

15 A. The district has not come out supporting that.

16 Q. Just the association of which you're a member?

17 A. Right.

18 Q. The association of school administrators?

19 A. Of course WSSDA is a member of that Full Funding
20 Coalition, also, and --

21 Q. Okay.

22 A. But the district has not come out and supported
23 the Full Funding Coalition.

24 Q. Do you support the Full-Funding Coalition
25 proposal?

(1) A. Yes.

(2) Q. You also support the one that is the subject
(3) matter of these two bills?

(4) A. Yes.

(5) Q. Do you know whether or not the Washington
(6) Education Association supports passage of these bills?

(7) A. It does not.

(8) Q. And how do you know that?

(9) A. From members of the association that shared that
(10) their organization was opposed to the passage of the Basic
(11) Education Finance Task Force.

(12) Q. Were you informed whether or not the WEA is
(13) actively lobbying against those bills?

(14) A. I was informed that they were.

(15) Q. Do you understand why they're doing so?

(16) A. I can only surmise.

(17) Q. Well, have these members that you talked about
(18) that alerted you to the fact of the opposition, did they
(19) share any information as to why, in their view, the WEA
(20) opposes them?

(21) A. Because there wasn't any specifics to the
(22) funding in this particular bill.

(23) Q. Okay. The bills that are referenced here are
(24) about more than just funding, are they not?

(25) A. Yes, they are.

Q. Okay. The paragraph we've just been discussing talks about "significant reductions in I-728." Would reductions in I-728 have an impact on the Issaquah School District?

A. Yes.

Q. Okay. What would those impacts be?

A. Approximately the equivalent of 80 teachers.

Q. And those teachers were -- their positions depend upon I-728 finding?

A. Yes.

Q. I'm sorry, not finding, funding?

A. Yes.

Q. And I-728 is the class size initiative?

A. That is correct.

Q. And there's also a reference to local effort assistance funding that faces significant reductions. Would that have impact on Issaquah?

A. No, it would not.

Q. I mentioned the subpoena that my office issued to the school district, and I believe you identified Mr. Kuper as the representative of the district primarily responsible for that, and that aspect of your testimony remains unchanged, doesn't it?

A. That's correct.

Q. Okay. I'll ask you simply to see if you know,

1 but do you know if the response to that subpoena from the
2 district, the production of the documents, if that's
3 complete now?

4 A. I don't know. I don't know.

5 Q. Okay.

6 A. But I can check.

7 Q. Okay. I could follow up with John, too, there's
8 no need to bring you back --

9 A. Okay, that would be great.

10 Q. -- to have to give an answer.

11 A. Okay.

12 Q. John and I usually speak to each other.

13 A. This is good.

14 MR. BJORKMAN: But only about baseball.

15 MR. CLARK: Most collegially about baseball.

16 Thank you, that's all the questions I have for
17 you, and I appreciate, again, your patience.

18 THE WITNESS: You're welcome.

19 MR. CLARK: Mr. Emch has some questions, too.

20 MR. EMCH: Let's take a short break.

21 (Recess from 3:11 p.m. to 3:14 p.m.)

22 (E-X-A-M-I-N-A-T-I-O-N)

23 BY MR. EMCH:

24 (Q.) Okay, good afternoon, Dr. Rasmussen, my name is

25 Chris Emch, as know, I'm with the law firm of Foster Pepper

1 who is representing the petitioners in this action, and
2 I've got a few follow-up questions for you.

3 Earlier you testified that the Issaquah School
4 District has a web site, is that correct?

5 A. That is correct.

6 Q. And you're generally familiar with that web
7 site?

8 A. Yes.

9 MR. EMCH: Okay. Let's go ahead and mark an
10 exhibit.

11 (Exhibit-202 marked.)

12 Q. Dr. Rasmussen, if you could take a look at the
13 document in front of you which has been marked Exhibit-202.
14 Can you identify that document for the record.

15 A. Yes, this is "Curriculum Standards" for the
16 district, it's on our web site, and it lists the curriculum
17 standards for mathematics, science, social studies, health,
18 fitness, and art. It also -- and literacy, which includes
19 reading, writing, and communications.

20 Q. Okay. And Dr. Rasmussen, if I represent to you
21 that I had printed this document this morning from Issaquah
22 School District's web site, does that -- does that seem
23 like a fair representation of what's on your web site on
24 that page?

25 A. Yes. Yes, it does.

1 Q. And you see up in the left-hand corner at the
2 top there of this document, it says, "Home > Academics >
3 Curriculum Standards." If I represented that I presented
4 this off by pulling down those drop-down menus, would
5 that --

6 A. Yes, this is what you would get.

7 Q. Okay. Dr. Rasmussen, under "Curriculum
8 Standards," the first part of the document says, "The
9 Issaquah Content Standards guide teaching and learning in
10 all our classrooms in the areas of Literacy (reading,
11 writing, and communication), Mathematics, Science, Social
12 Studies, Health and Fitness and the Arts.) These statements
13 describe what students should know and be able to do during
14 and as a result of their educational experiences."

15 It goes on to say, "The Issaquah Content
16 Standards are based on the Washington State standards
17 called Essential Academic Learning Requirements (EALRs)."
18 Do you see that?

19 A. Yes, I do.

20 Q. And do you see in the right-hand, upper
21 right-hand side of the document, there is a shade box that
22 says "Washington State Standards"?

23 A. That's correct.

24 Q. And then you see in that next paragraph
25 "Essential Academic Learning Requirements" are also shaded?

1 A. That's correct.

2 Q. And Dr. Rasmussen, if I represented that when I
3 clicked on those shaded areas, on both of them, they took
4 me to pages 3 and 4 of Exhibit-202, does that --

5 A. Yes, that's what would happen.

6 Q. Okay. And so let's look at pages 3 and 4 of
7 Exhibit-202, and can you describe what this is?

8 A. This is the -- this is from the OSPI web site,
9 the "Teaching and learning," and it's focused on the
10 "Essential Academic Learning Requirements and Grade Level
11 Expectations" for the state of Washington.

12 Q. And at the top of the page there we see it says,
13 "Washington State Standards, Essential Academic Learning
14 Requirements," do you see that?

15 A. Where is that? I want to make sure --

16 Q. On the center of the page it says, "Washington
17 State Standards"?

18 A. Yes, "Washington State Standards," yes, thank
19 you.

20 Q. And Dr. Rasmussen, would these be the Washington
21 state standards and the EALRs you referred to earlier at
22 the beginning of your testimony today?

23 A. Yes.

24 Q. And do you see paragraph 1 there, which reads,
25 "Read with comprehension, write effectively, and

(1) communicate successfully in a variety of ways and settings
(2) and with a variety of audiences" --

(3) A. Correct.

(4) Q. -- do you see that?

(5) A. That's the first standard --

(6) Q. Okay.

(7) A. -- of our education learning goals, yeah.

(8) Q. And the second standard says, second paragraph,
(9) "Know and apply the core concepts and principles of
(10) mathematics; social, physical, and life sciences; civics
(11) and history, including different cultures and participation
(12) in representative government; geography; arts; and health
(13) and fitness." Do you see that?

(14) A. Yes.

(15) Q. And paragraph 3 says, "Think analytically,
(16) logically, and creatively, and to integrate different
(17) experiences and knowledge to form reasoned judgments and
(18) solve problems."

(19) And then fourth paragraph concludes with
(20) "Understand the importance of work and finance and how
(21) performance, effort, and decisions directly affect future
(22) career and educational opportunities." Do you see all
(23) those?

(24) A. Yes, I do.

(25) Q. And would you agree that these are the current

(1) state standards and definition of basic education that you
(2) testified about earlier today?

(3) A. Yes, it is.

(4) Q. And does that definition include the essential
(5) academic learning requirements described in the next
(6) paragraph?

(7) A. Yes, it does.

(8) Q. And when you testified about House Bill 1209
(9) earlier, that was generally consistent with this document?

(10) A. Yes, it was.

(11) Q. Or substantially similar?

(12) A. Yes.

(13) Q. And Dr. Rasmussen, is the Issaquah School
(14) District getting all kids up to the state standards?

(15) A. No.

(16) Q. And would you agree that these are important
(17) state standards for the kids in your district?

(18) A. Yes.

(19) Q. And is it fair to say you support the standards
(20) that are reflected in this document --

(21) A. Yes.

(22) Q. -- Exhibit-202?

(23) A. (Nods head.)

(24) Q. Yes?

(25) A. (Nods head.)

1 Q. Dr. Rasmussen, is it fair to say the WASL
2 generally measures student performance relative to these
3 state standards?

4 A. Yes, it does.

5 Q. Then let's take a look at Exhibit-163, which was
6 marked earlier. Dr. Rasmussen, we're looking at
7 Exhibit-163, which was marked earlier. Can you generally
8 describe what this document is again?

9 A. Yeah, this is the Washington State Report Card
10 on the OSPI web site, and it depicts and presents the
11 2007-2008 WASL results for the Issaquah School District in
12 grades 3 through 10 in reading, math, writing, and science.

13 Q. And looking at this exhibit, are there
14 categories reflected on this sheet, this first page, where
15 all kids in your district are meeting the state standards?

16 A. There aren't any.

17 Q. And in fact, some of these categories, for
18 example, sixth grade math, fifth grade science, and tenth
19 grade science, the percentage is below 70 percent, is that
20 correct?

21 A. That is correct.

22 Q. And Dr. Rasmussen, do you believe all kids can
23 learn?

24 A. Yes.

25 Q. And given your experience as an educator, is it

Resp. objects -
Lack of foundation

Petitioners respond that Dr. Rasmussen, as the Superintendent of the Issaquah School District, has personal knowledge of his school district and the experience to respond to this question.

1 fair to say that all kids have the capability of learning?

2 A. Yes, they do.

3 Q. Is it your experience that some kids need
4 different help, or resources, or opportunities?

5 A. Yes.

6 Q. Do all kids learn the same way?

7 A. No, they don't, nor at the same time.

8 Q. If you had additional resources or opportunities
9 for kids, do you believe you could help get all kids up to
10 state standards?

11 MR. CLARK: Object to the form, foundation.

12 A. Yes, I do.

13 Q. Dr. Rasmussen, is the state funding the Issaquah
14 School District sufficiently for all kids in your district
15 to meet state standards?

16 A. No, it's not.

17 Q. Would more funding from the state help the
18 district with getting your kids up to state standards, in
19 your opinion?

20 A. It would sure help, yes.

21 Q. Do you have any examples that might come to mind
22 about resources or additional opportunities that may help
23 some of the kids who are not getting up to state standards?

24 A. Well, as you mentioned earlier, kids coming into
25 the schools at varying levels, at varying stages. Let's

1 just take kindergarten, for example, all kids come ready to
2 learn, but are schools ready to teach kids, because all
3 kids want to learn, but they all come in at different
4 varying stages. Providing the right kind of resources at
5 earlier ages, we could provide and help kids at that much
6 earlier age that they're learning to be better prepared for
7 the learning that's expected grades one through 12. That's
8 just one example.

9 Other examples are providing additional support
10 for kids, if you will, gifted kids, middle of the road
11 kids, or kids that are struggling, all kids need help and
12 support as they're going through learning. The student
13 that's learning algebra and they're a seventh grader, they
14 need support just as much as the seventh grader that's just
15 learning the general math and is struggling with it. So,
16 all kids need support in whatever they're doing, and if we
17 had, for example, additional support.

18 The other part that would assist also is
19 providing the instructional kind of training that we expect
20 our teachers to know and be able to deliver at any given
21 time. Training is an essential part of continuing the
22 learning of our students, by training our teachers so that
23 we can deliver the product in a much better way.

24 Other examples would be to have resources to buy
25 the latest technology, the latest curriculum material, the

1 science materials that kids are expected, that our
2 community expects, and our state expects our kids to come
3 out of school with the abilities to use those materials at
4 the next step.

5 Those are just some examples.

6 Q. With respect to science facilities, are some of
7 your labs -- do you have any more examples on the type of
8 materials you may need?

9 A. The expectations that our state has placed upon
10 us in the science area, we do not have the labs to do that,
11 and in order for us to provide those, we have to ask the
12 community, and the community -- our community will step up
13 and fill in where the state is letting down on its
14 obligation to our kids, but not all communities will do
15 that. I've been in several communities where they didn't
16 have the wherewithal to do that.

17 Q. And if you took away those other sources of
18 funding, the local sources, and you just had to rely on
19 what was provided by the state, do you believe you could
20 get all kids up to state standards?

21 A. No.

22 Q. Probably couldn't even -- could you even reach
23 the current performance levels?

24 A. No.

25 Q. Is your district making any budget cuts right

(1) now?

(2) A. Yes.

(3) Q. Could you describe those.

(4) A. We project, based on the current Washington
(5) State legislature, senate, and house budgets, that we will
(6) have to cut between -- for the 2009-10 school year, between
(7) seven and \$10 million, depending on where the line ends.
(8) That represents -- the question was asked earlier about
(9) I-728, that amounted to 80 teachers, which amounted to \$3.6
(10) million or \$6 million, somewhere in that range. It's going
(11) to require us to cut well over a hundred teachers to get to
(12) that level.

(13) Q. Anything else going to be cut besides teachers?

(14) A. We'll be cutting throughout the entire
(15) organization. We're reducing everything. Even in this
(16) particular office, the district office, we're cutting over
(17) a million dollars of staff, and materials, and time, and
(18) et cetera. So, we'll be making cuts in maintenance, we'll
(19) be making cuts in transportation, we'll be making -- in
(20) other words, we're shrinking the organization by up to
(21) \$10 million, and if the budget gets worse, it will be 12
(22) million.

(23) Q. Okay. Would you say, based on your experience
(24) as a superintendent and your experience as an educator,
(25) these cuts are going to impact the kids and their ability

(1) to learn?)

(2) A. They're going to impact kids, they're going to
(3) impact staff, they're going to impact the community, which
(4) will ultimately impact the state.

(5) Q. So, given that you have less money than last
(6) year, would you say that state funding of basic education
(7) for your district, would you say it's stable?

(8) A. It is not very stable. It's less than stable.

(9) Q. Is it reliable?

(10) A. At very low levels.

(11) Q. What does that mean?

(12) A. We're already only receiving about approximately
(13) 70 percent of the funding we need to provide basic
(14) education at the present time, and with the kind of cuts
(15) that we're receiving, that's going to go even lower. If we
(16) were to maintain the present levels of service we're
(17) providing today, but as all education organizations do, we
(18) constrict, and we will make those cuts, and we will
(19) provide -- we'll be providing less next year.

(20) Q. What is your current dropout rate, do you know?

(21) A. It's about five percent.

(22) Q. Do you think if you had additional resources,
(23) that would help with your dropout rate?

(24) A. Yes.

(25) Q. How so?

1 A. We've discovered that most of our dropout in our
2 community takes place between middle school and high
3 school, and because of that, we would be able to focus more
4 resources on those younger grade programs so that we can
5 identify, which we've identified the students who have the
6 potential for dropping out, or have identified the symptoms
7 that are characteristics of a dropout, and we could provide
8 resources to not only to providing the educational
9 experience but we could contact and connect them with
10 community agencies that support these kind of students and
11 families from dropping out.

12 Q. Do you think things like sports, or arts, or
13 drama, do you think that has an impact on the ability to
14 keep kids in school and keep them engaged?

15 A. Huge.

16 Q. And looking back at, Dr. Rasmussen, looking back
17 at Exhibit-202, which is in front of you, which was the web
18 site printout, if you go to the page you have in front of
19 you there, which is the third page of that document.

20 Yeah, that one there --

21 A. This one here?

22 Q. Yes.

23 And the second paragraph you see under the state
24 standards we talked about, it concludes -- it lists several
25 subjects, including at the end arts and health and fitness.

1 Would you believe, as reflected in these state standards,
2 that arts and health and fitness are part of basic
3 education?

4 A. Yes.

5 Q. Earlier this afternoon, Dr. Rasmussen, you
6 talked a little bit about the achievement gaps reflected on
7 some of the documents.

8 A. Uh-huh.

9 Q. Do you think additional resources would help
10 with those achievement gaps?

11 A. Definitely.

12 Q. And you think all kids can learn, including some
13 of the kids described in the achievement gaps, is that
14 right?

15 A. That is correct.

16 Q. Dr. Rasmussen, do you spend a lot of personal
17 time on your job or as part of your job working on issues
18 about funding in your district?

19 A. Yes.

20 Q. Can you describe what some of those -- some of
21 that effort is.

22 A. It's a several-prong approach. One is within
23 the organization of working with state people on --
24 legislators to be specific, to working on bills and other
25 things to get appropriate funding to our schools and to

1 give us more resources to do what we need to do. That's
2 one area. And there's lots of different -- we have -- we
3 belong to coalitions, we work with lobbyists, we work with
4 other professional groups that are connected to school
5 boards and education professionals within the organization.
6 That's one approach.

7 Another approach is working with the community,
8 and working with the Chambers of Commerce and the service
9 organizations to provide and to attract additional
10 resources to the district to fill in those gaps where the
11 state doesn't provide the resources that we need and we
12 know we need to be able to provide those resources.

13 We also have a foundation that is directly
14 connected to the school district where we work with them to
15 attract additional resources to fill in where state dollars
16 and any even local dollars don't fill in.

17 So, that's just an example of some of the prong
18 approach that I spend my time trying to acquire resources
19 for the district.

20 Q. And if the state was providing ample funding, is
21 it fair to say you wouldn't have to spend as much time on
22 those activities?

23 A. Definitely.)

24 MR. CLARK: Object to the form of the question.

25 Q. If the state provided ample funding, how would

Petitioners respond that the Superintendent of the Issaquah School District has personal knowledge of his school district; the question is an appropriate follow up to the line of questioning beginning at 236:16.

Resp. objects -
Leading

S. Leading

(1) that impact your responsibilities --

(2) A. The amount -- the amount of time that I would
(3) spend on funding issues would be a lot less.

(4) Q. Is it fair to say the fundraising activities you
(5) described detract from your abilities to do other things?

(6) A. Yes.

(7) Q. Is that because the state doesn't provide you
(8) with enough funds?

(9) A. That is correct.

(10) Q. Let's take a look at Exhibit-168.

(11) A. 168, okay.

(12) Q. Dr. Rasmussen, Exhibit-168 was a document that
(13) was marked earlier in your deposition. If you could look
(14) at page -- the second page there, it's Bates number 42.

(15) MR. EMCH: Bill, do you want me to wait until
(16) you get that?

(17) MR. CLARK: No, you can go ahead, Chris.

(18) Q. The bottom paragraph there, Dr. Rasmussen,
(19) starting with "295 school districts in the State of
(20) Washington, Issaquah School District is ranked 272nd out of
(21) 295 school districts in terms of revenue per student. This
(22) means that funding is a huge challenge for this district."
(23) Would you agree with that statement?

(24) A. I would agree.

(25) Q. And it goes on to describe the dollar amounts

(1) received, and the last sentence in that paragraph on page
(2) Bates page 42 says, "This puts Issaquah School District at
(3) a revenue disadvantage of \$11.6 million per year when
(4) compared to the state average per student rate." Would you
(5) agree with that?

(6) A. I would agree with that.

(7) Q. And is that, in fact, getting worse with the
(8) budget realities you just described?

(9) A. It will get worse.

(10) Q. Let's take a look at the next page, which is
(11) marked Bates 43, and Doctor, if you look at the middle of
(12) that page, underneath the indentation there, K-12, the
(13) paragraph starts off, "The district offers a full program
(14) of basic education services to students." Is that
(15) referring to a program or actually the state standards,
(16) what --

(17) A. The state standards.

(18) Q. But that doesn't say that all kids in the
(19) district are meeting state standards, does it?

(20) A. It does not.

(21) Q. And in fact, as you said earlier, all the kids
(22) in your district are not meeting state standards?

(23) A. That is correct.

(24) Q. And isn't it true that sometimes the program
(25) refers to formulas and things other than the state

(1) standards?

(2) A. Yes.

(3) Q. And in fact, you testified earlier along the
(4) lines that your mission is to have all kids meet state
(5) standards, is that right?

(6) A. That is correct, and that's an expectation the
(7) board has of me.

(8) Q. Let's take a look at Exhibit-171 and
(9) Exhibit-176. Let's see, Dr. Rasmussen, looking at
(10) Exhibit-171 first, if you'd turn to the second page of this
(11) document, this is previously marked in your deposition, on
(12) Bates page Issaquah 1358, at the bottom there's a
(13) "Certification of Compliance," and it says, "We hereby
(14) certify that the board of directors has been apprised and
(15) that the Issaquah School District meets all the
(16) requirements relating to the minimum requirements of the
(17) state basic education programs." Do you see that word
(18) "programs" there?

(19) A. Yeah, I do.

(20) Q. And so this certification doesn't say that
(21) Issaquah School District is getting all its kids up to
(22) state standards?

(23) A. No.

24 MR. CLARK: Objection, the document speaks for
25 itself.

1) Q. And this certification also doesn't say that
2) Issaquah School District has enough funds to get all the
3) kids up to state standards, does it?

4) A. It does not.

5) Q. Let's look at Exhibit-176.

6) MR. BJORKMAN: Was that marked in his
7) deposition?

8) MR. CLARK: I don't think so.

9) MR. EMCH: Maybe I'm mistaken. I have a
10) question mark. Is this --

11) MR. CLARK: You might mean 166 or 165.

12) MR. EMCH: Let's take a look here.

13) MR. BJORKMAN: Could it be 196 or 195?

14) MR. EMCH: Actually, I'm looking for --

15) THE WITNESS: Yeah, it would be the 196 is this
16) one, the thick one.

17) MR. EMCH: Let's go off the record for a minute.

18) (Discussion off the record.)

19) Q. Let's go back on the record.

20) So, Dr. Rasmussen, after we straightened out our
21) exhibits here, we're continuing on Exhibit-171, and if you
22) look on the next page, which is Issaquah 1359, and you look
23) down again at the certification page where it talks about
24) the basic education programs, do you see that?

25) A. Yes, I do.

Q. And the same question with respect to this document and similar documents in that exhibit, that that certification doesn't say that Issaquah School District has enough funds to get all kids up to state standards, does it?

S - Leading

A. It does not.

MR. CLARK: Object to the form again.

Q. And you're not certifying that Issaquah, in fact, is getting kids up to state standards, are you?

A. No.

Q. Would your teachers in your school district have the ability to perform even the job they're performing now if you took away all the local money? If you took away all the local money for basic education, would your teachers be able to even perform at the level they're performing now?

A. No. No.

Q. Dr. Rasmussen, with respect to taxes, isn't it true that your district draws upon or relies upon your local taxpayers already?

A. Yes.

Q. And that reliance, in fact, helps you with respect to basic education, is that right?

A. Yes.

Q. With respect to teachers, Dr. Rasmussen, if you had to rely solely on state dollars to pay your teachers,

Resp. objects -
Leading

Petitioners respond that the Superintendent of the Issaquah School District has personal knowledge of his school district; the question calls for the superintendent's understanding of a certification for basic education programs.

(1) would you be able to hire and retain enough teachers, if
(2) you had to rely strictly --)

(3) A. Just solely on that, no.

(4) Q. In fact, you testified earlier you were cutting
(5) or may have to cut some teachers, is that right?

(6) A. That is correct.)

(7) Q. And the salaries that you do pay for your
(8) teachers, would you say, based on your experience as a
(9) superintendent, that that money or those levels are
(10) necessary in this marketplace?

(11) A. Very much so.) We would not be able to attract
(12) the teachers that we do attract if we didn't have through
(13) our negotiated agreements and working with those additional
(14) community dollars to attract the teachers we do.

15 Q. Okay. Dr. Rasmussen, you're generally familiar
16 with the operations of your school district, is that right?

17 A. Yes.

18 Q. And if necessary, would you be willing to
19 testify about that subject matter at trial?

20 A. Yes.

21 Q. And Dr. Rasmussen, you're generally aware, as
22 superintendent of the Issaquah School District, about the
23 student performance of the kids in your school district, is
24 that right?

25 A. Yes.

1 the neighborhood kids and others that would say, "Well,
2 Johnny or Susie are still around," that's another way of
3 knowing, but if a student leaves the district and doesn't
4 request forms, we have no way of knowing what happened to
5 them.

6 Q. And your five percent dropout rate could include
7 some of those students?

8 A. Some of those students, also.

9 Q. Okay. As of 2008, passing the WASL became a
10 graduation requirement in Washington for the first time,
11 correct?

12 A. That is correct.

13 Q. Am I correct then in saying that prior to 2008,
14 in Issaquah anyway, there were no students who failed to
15 graduate because of their performance on WASL?

16 A. That is correct.

17 Q. In this most recent graduating class, did
18 Issaquah have students who were unable to graduate because
19 of their inability to pass the WASL?

20 A. No.

21 Q. Okay.

22 A. There may have been one or -- we're not sure
23 exactly, but it's one or none.

24 Q. Okay. You may not be sure exactly, but are we
25 excluding special education students from that one or none?

(1) A. Yes.)

(2) Q. Okay. Are you aware of any studies or analyses
(3) that establish a link between increased state funding and
(4) increased student performance on assessments?)

(5) A. No.)

(6) Q. Are you aware of any such studies that link
(7) increased funding with graduation rates?)

(8) A. I'm not aware.)

9 MR. CLARK: Okay, no further questions.

10 F-U-R-T-H-E-R E-X-A-M-I-N-A-T-I-O-N

11 BY MR. EMCH:

12 Q. One last question, Dr. Rasmussen. You testified
13 you weren't aware of them, do you know whether they exist
14 or not, one way or the other?

15 A. I do not.

16 MR. EMCH: Okay, thank you.

17 MR. BJORKMAN: I'd like to make a statement.

18 This is John Bjorkman for the Issaquah School District.

19 Though Dr. Rasmussen may be willing to testify
20 at another deposition, the district doesn't consent to
21 another deposition. I presume he will answer truthfully
22 whatever questions are asked of him if he's properly
23 subpoenaed to the trial, and we are not agreeing to submit
24 to another deposition.

25 MR. CLARK: Well, if I don't get an opportunity